

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 2:18-cv-530
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

ORDER

This matter comes before the Court pursuant to Local Civil Rule 5(C) on Defendant Norfolk Southern Railway Company’s (“NS”) Motion to Seal. NS seeks to seal Defendants’ Consolidated Reply in Support of Their Objections to the Denial of Their Motions to Exclude the Opinions of Prof. Howard P. Marvel. These documents contain and/or reference information that NS, Norfolk and Portsmouth Belt Line Railroad Company (collectively with NS, “Defendants”), Plaintiff CSX Transportation, Inc. (“CSX”), and/or third parties have indicated is “CONFIDENTIAL,” “HIGHLY CONFIDENTIAL,” or “CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Stipulated Protective Order entered in this matter. ECF No. 79.

Before this Court may seal documents, it must: “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000) (citations omitted).

In compliance with Local Rule 5 and *Ashcraft*, NS provided public notice of this motion

by filing an appropriate Notice with the Court.

Accordingly, the Court **GRANTS** NS's Motion to Seal and **ORDERS** that Defendants' Consolidated Reply in Support of Their Objections to the Denial of Their Motions to Exclude the Opinions of Prof. Howard P. Marvel, shall be maintained under seal by the Clerk pending further order of the Court.


The Clerk is **REQUESTED** to send a copy of this Order to all counsel of record.

IT IS SO ORDERED.

Norfolk, Virginia

Date: Feb. 27, 2023

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Robert J. Krask
United States Magistrate Judge
Robert J. Krask
United States Magistrate Judge